

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SANDRA J. STATEN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
D. R. HORTON,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW the Defendant, D. R. Horton, Inc. (“DRH”), and gives notice of the removal of this cause to the United States District Court for the Northern District of Alabama, Southern Division, from the Circuit Court of Jefferson County, Alabama, pursuant to 28 U.S.C. §§1332(a), 1441, and 1446, and submits the following in support of the removal:

1. Pursuant to 28 U.S.C. §§1441(a) and 1446(a), DRH gives notice that this lawsuit is removed to this United States District Court for the Northern District of Alabama, Southern Division, based on diversity of citizenship and amount in controversy. See 28 U.S.C. §1332.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332, as it involves a controversy in an amount greater than \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

DIVERSITY OF CITIZENSHIP

3. Plaintiff Staten is a citizen of Michigan.¹ Defendant DRH is a corporation incorporated under the laws of Delaware with its principal place of business located in Arlington, Texas. There are no other parties to this action. Thus, the requirement of complete diversity of citizenship is satisfied.

AMOUNT IN CONTROVERSY

4. In the Complaint, Staten alleges causes of action for fraud in writing a check and refusing to honor it and fraud and bad faith for failing to make good a stale check. (See Complaint ¶¶14, 18). Staten seeks damages against DRH for mental anguish, emotional distress, consequential damages, punitive damages, and restitution. The amount of restitution sought by Staten is quantified as 1000 x the amount of the stale check (\$2,099.00), a sum in excess of \$2,000,000.00. *Id.* at ¶ 19.

5. Since Staten is claiming damages against DRH in excess of \$2 million, the requirement under 28 U.S.C. §1332 that the amount in controversy be greater than \$75,000.00, exclusive of interest and costs, is satisfied.

¹ See Complaint at p. 2, “I. Parties.”

TIMELINESS OF REMOVAL

6. This lawsuit was commenced by the filing of a Summons and Complaint by Staten on July 16, 2020.² DRH, the sole defendant in this case, was served with the Summons and Complaint on July 27, 2020. Thus, this Notice of Removal is being filed within 30 days of service of process on DRH.

7. A Notice of Filing this Removal, together with this Notice of Removal, is being filed with the Clerk of the Circuit Court of Jefferson County, Alabama, Case No. CV-2020-00126, immediately after the filing of the Notice of Removal with this Court.

WHEREFORE, DRH prays that this Court will take jurisdiction over this case pursuant to this Notice of Removal under 28 U.S.C. §§1441 and 1446. DRH prays for all other, further, and different relief to which it may be entitled.

Respectfully Submitted,

/s/ Lynne Stephens O'Neal
Lynne Stephens O'Neal (ASB-3829-N77L)

/s/ Jim H. Wilson
Jim H. Wilson (ASB-9979-S70J)

Counsel for Defendant D. R. Horton, Inc.

² A true and correct copy of all documents in the court file of the Circuit Court of Jefferson County, Alabama, Case No. CV-2020-00126, including copies of the Summons and Complaint, is attached hereto as Exhibit "A."

OF COUNSEL:

Leitman, Siegal & Payne, P.C.
1927 1st Avenue North, Suite 101
The Woodward Building
Birmingham, Alabama 35203
205.251.5900
loneal@lsppc.com
jwilson@lsppc.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of August 2020, I electronically filed a copy of the foregoing Notice of Removal with the Clerk of the Court using the CM/ECF filing system and have provided service copies to Plaintiff, via U.S. Mail and electronic mail, to the following addresses:

Ms. Sandra Staten
14368 Mettetal Street
Detroit, MI 48227
sandrastaten.dream@outlook.com

Ms. Sandra Staten
c/o Treneice Todd
3541 Stoney Brook Lane, Apt. 204
Fultondale, AL 35068

/s/ Jim H. Wilson
OF COUNSEL